

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

FILED - CLERK
U.S. DISTRICT COURT

2005 MAY -2 PM 4:10

TX EASTERN-BEAUMONT

BY jc

DWAYNE L. HILL

§

VS.

§

CIVIL ACTION NO. 1:05cv158

R. D. MILES, ET AL.

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Dwayne L. Hill, an inmate confined at the federal penitentiary in Beaumont, Texas, proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Warden R. D. Miles, Associate Warden A. W. Martinez, Associate Warden A. W. Morris, Captain Fauver, Correctional Officer Bellard, Correctional Officer Hinch, Lieutenant Tumms, and other unidentified parties.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the case without prejudice for failure to exhaust administrative remedies.

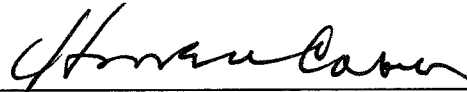
The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.¹

¹ Plaintiff requested an extension of time through April 1, 2005 "to prepare a legal petition to the court." It is unclear whether plaintiff wanted the extension of time to prepare objections to the Report and Recommendation, or to file other legal documents. Although April 1 has passed, plaintiff has not filed objections to the Report and Recommendation or any other documents.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this 2^d day of May, 2005.

A handwritten signature in cursive script, appearing to read 'Howell Cobb', written in black ink.

HOWELL COBB
UNITED STATES DISTRICT JUDGE